

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**In re:**

**KEITH A. FAUVIE,**

**Debtor.**

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§  
§

**Chapter 7**

**Case Number: 15-40635-EJC**

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**AMENDED NOTICE OF MOTION TO APPROVE COMPROMISE OR SETTLEMENT  
AND OPPORTUNITY FOR HEARING**

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Movant has filed a Motion with this Court seeking approval of a settlement or compromise, copy attached hereto.

If you have legal grounds to oppose the motion, or if you wish the Court to consider your views on the motion, you must file a written request for a hearing with the Clerk of the Bankruptcy Court before the expiration of twenty-one (21) days from the date stated in the certificate of service.

If you mail your request for hearing to the Court, you must mail it early enough so that it will be received before the time referenced above.

Any request for a hearing must also be mailed to the moving party and all other persons indicated in the certificate of service attached to these pleadings.

If a timely request is filed, you will receive notice of the date, time, and place of the hearing.

If you or your attorney does not take these steps, the Court will decide that you do not oppose the motion and will enter an order granting it.

Date: 01/31/2019

/s/ Wendy A. Owens

Attorney for Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

IN THE MATTER OF: )  
 )  
KEITH A. FAUVIE, )  
 ) CHAPTER 7 CASE NO.:  
 ) 15-40635-EJC  
DEBTOR. )

**TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT**

COMES NOW WENDY A. OWENS, Trustee in the above-captioned bankruptcy case, and files this Motion to Approve Compromise and Settlement and, in support thereof, shows the Court the following:

1.

An asset of the estate is a 1978 Chevrolet Camaro (the "Camaro"). The proposed offer for the Camaro is \$5400.00. The debtor's exemption allowed is \$1500.00 and the expense for the sale to be paid by James Drake is \$1312.36, which allows for a net recovery of \$2587.64.

2.

An asset of the estate is a 2003 Stingray boat, motor and trailer (the "Stingray"). The proposed offer for the Stingray is \$1850.00. There is no debtor's exemption on the asset and the expense for the sale to be paid by James Drake is \$585.00, which allows for a net recovery of \$1265.00.

3.

The costs of administration are a \$1,425.00 Trustee's Commission and a \$280.00 accountant expenses regarding the estate tax consequences. Therefore, James Drake agrees to pay into the estate the sum of \$5,557.64.

4.

The decision to approve a settlement pursuant to Bankruptcy Rule 9019 lies within the sound discretion of the Bankruptcy Court. In re Blue Coal Corp., 47 B.R. 758 (Bankr. M.D.Pa. 1985); In re Tidewater Group, Inc., 13 B.R. 764, 765 (Bankr. N.D.Ga. 1981). In evaluating a proposed settlement, the Court must consider four factors: (a) the probability of success in litigation; (b) the likely difficulties in collection; (c) the complexity of the litigation involved and the expense, inconvenience and delay necessarily attending it; and (d) the paramount interest of the creditors. In re Martin, 91 F.3d 389, 393 (3<sup>rd</sup> Cir. 1996); In re Tidewater, supra. In doing so, the Court must consider the factor that the "law favors compromise." Port O'Call Investments Co. v. Blair (In re Blair), 538 F. 2d 849, 851 (9<sup>th</sup> Cir. 1976).

5.

Your Trustee submits her belief that the foregoing compromise and settlement is in the

best interest of the bankruptcy estate, and hereby seeks authority to execute any and all documents necessary to effectuate said compromise and settlement.

**WHEREFORE**, your Trustee respectfully requests that this Motion to Approve Compromise and Settlement be granted.

This 31st day of January, 2019.

/s/ Wendy A. Owens  
Wendy A. Owens  
Chapter 7 Trustee  
Attorney for Trustee

Prepared by:  
Wendy A. Owens, Esq.  
Law Office of Wendy A. Owens, PC  
PO Box 8846  
Savannah, Georgia 31412  
(912) 210-0901  
GA State Bar No.: 557809

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**In re:**

**KEITH A. FAUVIE,**

**Debtor.**

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**Chapter 7  
Case Number: 15-40635-EJC**

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**ORDER ON MOTION FOR AUTHORITY TO COMPROMISE  
PURSUANT TO BANKRUPTCY RULE 9019**

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Chapter 7 Trustee, Wendy A. Owens ("Trustee"), having filed a Motion for Authority to Compromise Claim Pursuant To Bankruptcy Rule 9019 ("Motion"), after notice of opportunity for hearing and the motion having been served on respondent(s) and no response having been filed and it appearing that such motion should be granted; it is therefore,

ORDERED, ADJUDGED, and DECREED that the Motion filed by the Trustee is granted as follows: The Trustee is hereby authorized to settle the estate's claim against the Defendant, James L. Drake, Jr., ("Defendant") on the following terms: Defendant shall pay \$5,557.64 to Wendy A. Owens, Chapter 7 Trustee within fifteen (15) days of the entry of this order and receipt of a completed copy of the Estate's W-9 by the undersigned James L. Drake, Jr., in full and final

settlement of the estate's claims against the Defendant based on the Transfers as set forth in the Motion. The entry of this Order fully resolves this matter.

**END OF DOCUMENT**

PREPARED BY:

/s/ Wendy A. Owens  
Wendy A. Owens  
GA Bar No. 557809  
Attorney for Trustee  
Post Office Box 8846  
Savannah, GA 31412  
(912) 239-9888  
wowens@coastalempirelaw.com

Consented to by:

/s/ James L. Drake, Jr.  
James L. Drake, Jr.  
PO Box 9945  
Savannah, GA 31412  
Tel: 912-790-1533  
Email: jdrake@drakefirmmpc.com

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

IN THE MATTER OF: )  
 )  
KEITH A. FAUVIE, )  
 )  
 ) CHAPTER 7 CASE NO.:  
 ) 15-40635-EJC  
DEBTOR. )

AMENDED CERTIFICATE OF SERVICE

**This is to certify that I have this date served the foregoing, AMENDED NOTICE OF MOTION TO APPROVE COMPROMISE OR SETTLEMENT AND OPPORTUNITY FOR HEARING, AMENDED TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT AND PROPOSED ORDER, through CM/ECF or by depositing same in the United States Mail with sufficient postage affixed thereon, to those addressed below:**

**Mr. Keith A. Fauvie  
W4736 County Road G, Box 23  
Mauston, WI 53948**

**Matthew E. Mills  
Assistant U.S. Trustee  
Office of the U.S. Trustee  
Johnson Square Business Center  
2 East Bryan Street, Ste. 725  
Savannah, GA 31401**

**Mr. John Pytte  
Attorney at Law  
PO Box 949  
Hinesville, Georgia 31310**

**Mr. James L. Drake, Jr.  
Attorney at Law  
PO Box 9945  
Savannah, Georgia 31412**

**And all those parties as listed on the attached mailing matrix  
(See Attachment)**

**This the 31st day of January, 2019**

**/s/ Wendy A. Owens  
WENDY A. OWENS, Trustee/Petitioner**

**Prepared by:  
Wendy A. Owens, Esq.  
GA BAR No. 557809  
Chapter 7 Trustee**

**P.O. Box 8846  
Savannah, GA 31412  
912-239-9888  
trustee@coastalempirelaw.com**

Label Matrix for local noticing  
113J-4  
Case 15-40635-EJC  
Southern District of Georgia  
Savannah  
Thu Jan 31 13:10:45 EST 2019

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Chase Bank Usa, Na  
Po Box 15298  
Wilmington DE 19850-5298

James L. Drake Jr.  
P. O. Box 9945  
Savannah, GA 31412-0145

Keith A Fauvie  
W4736 County Road G  
Box 23  
Mauston, WI 53948-8953

Office of the U. S. Trustee  
Johnson Square Business Center  
2 East Bryan Street, Ste 725  
Savannah, GA 31401-2638

John E. Pytte  
P O Box 949  
Hinesville, GA 31310-0949

Shawna Y. Staton  
James L. Drake, Jr., PC  
7 E Congress St, Ste 901  
P O Box 9945  
Savannah, GA 31412-0145

Volkswagon Credit Inc  
National Bankruptcy Services  
9441 Lbj Freeway, Suite 250  
Dallas TX 75243-4640

Wells Fargo Bank Nv Na  
Attn: Deposits Bankruptcy MAC# P6103-05K  
Po Box 3908  
Portland OR 97208-3908

Ally Financial  
200 Renaissance Ctr  
Detroit MI 48243-1300

Capital One, N.a.  
Capital One Bank (USA) N.A.  
Po Box 30285  
Salt Lake City UT 84130-0285

Citibank/The Home Depot  
Citicorp Credit Svcs/Centralized Bankrup  
Po Box 790040  
Saint Louis MO 63179-0040

EnerBank USA  
1245 East Brickyard Road, Suite 600  
Salt Lake City, UT 84106-2562

Kohls/capital One  
N56 W 17000 Ridgewood Dr  
Menomonee Falls WI 53051-5660

Wendy A. Owens, Trustee  
Law Office of Wendy A. Owens, PC  
PO Box 8846  
Savannah, GA 31412-8846

Sears/cbna  
Po Box 6282  
Sioux Falls SD 57117-6282

U.S Small Buisiness Administration  
PO Box 740192  
Atlanta GA 30374-0192

Webbank/fingerhut  
6250 Ridgewood Roa  
Saint Cloud MN 56303-0820

Wells Fargo Card Services  
1 Home Campus 3rd Floor  
Des Moines, IA 50328-0001

CECRB/Rooms To Go  
Attn: Bankruptcy  
Po Box 103104  
Roswell GA 30076-9104

Chase  
Po Box 24696  
Columbus OH 43224-0696

Debt Management Servicing Center  
Bureau Of The Fiscal Serv/DMSC-Birming  
PO Box 830794  
Birmingham AL 35283-0794

Enerbank Usa  
1945 W Parnall Rd Ste 22  
Jackson MI 49201-8658

Matthew E. Mills  
Office of The U S Trustee  
Johnson Square Business Center  
2 East Bryan St., Ste 725  
Savannah, GA 31401-2638

Wendy Anne Owens, Trustee  
Law Office of Wendy A. Owens, PC  
PO Box 8846  
Savannah, GA 31412-8846

State Farm Fncl Svcs F  
State Farm Bank/ Attention: Bankruptcy  
Po Box 2328  
Bloomington IL 61702-2328

United States Attorney  
P.O. Box 8970  
Savannah GA 31412-8970

Wells Fargo Bank  
Po Box 14517  
Des Moines IA 50306-3517

(p)WELLS FARGO BANK NA  
WELLS FARGO HOME MORTGAGE AMERICAS SERVICING  
ATTN BANKRUPTCY DEPT MAC X7801-014  
3476 STATEVIEW BLVD  
FORT MILL SC 29715-7203



The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Wells Fargo Em Mortgag  
8480 Stagecoach Cir  
Frederick MD 21701

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)James L. Drake Jr.  
P. O. Box 9945  
Savannah, GA 31412-0145

(u)Donald James

(d)Wendy A. Owens, Trustee  
Law Office of Wendy A. Owens, PC  
PO Box 8846  
Savannah, GA 31412-8846

(u)U.S. Small Business Administration

End of Label Matrix	
Mailable recipients	29
Bypassed recipients	4
Total	33